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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,071	11/13/2001	Peter K. Bostwick	10014-8263	7201

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/993,071

**Applicant(s)**

BOSTWICK ET AL.

**Examiner**

Nguyen N Hanh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendments filed on 5/15/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 and 25-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-24 is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-5, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

1. In previous Office Action, the Examiner made a typing error in page 2 regarding the rejection under 35 U.S.C 103 (a) to claims 1-3, 5-13, 15-18, 20-24 as being unpatentable over Daniels in view of Rew in view of Gilland et al. while it should be written as --- unpatentable over Daniels in view of Gilland et al---. The cancellation of claims 9-15 and the addition of claims 25-31 have been acknowledged. In view of Applicant's arguments, the Examiner withdraws the rejection under 35 U.S.C 103 (a) to claims 16-23.

### ***Election/Restrictions***

2. Newly submitted claim 25-31 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
- I. Claims 1-8, 16-25 drawn to the cooling structure of a motor, classified in class 310, subclass 58.
  - II. Claims 25-31 drawn to the motor structure, classified in class 310, subclass 62.
3. The inventions are distinct, each from the other because of the following reasons:
- Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed (Group I) does not require

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the particulars of the subcombination as claimed because the combination (group I) does not require the fan mounted on the rotor shaft. The subcombination (group II) has separate utility such as a rotor mounted in the stator center bore.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-31 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels.

Regarding claim 1, Daniels discloses an air flow directing baffle (31 in Fig. 1, 2, 3) that is inserted into a casing shell (3) of an air cooled dynamoelectric device to direct a flow of cooling air across the dynamoelectric device, the baffle comprising: a plate (33) having an interior surface (35) that faces toward the dynamoelectric device when the baffle is installed in the casing shell and an opposite exterior surface (39), a center hole (Fig. 3) with a center axis passing through the plate, an inner edge (circular interface between interior surface 35 and lip 37) of the plate extending around the center hole and an outer edge of the plate extending around an outer perimeter of the

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plate and an annular lip (37) that extends around the center hole and projects outwardly (away from the stator side) from the interior surface.

Regarding claim 6, Daniels also discloses the baffle of further comprising: a cylindrical rim extending around the outer edge of the plate and the rim being dimensioned for a tight fit to the casing shell when the baffle is inserted into the casing shell (Fig. 1 and Fig. 3).

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, the features upon which applicant relies on "an annular lip that extends around the center hole and projects outwardly from the interior surface toward the dynamoelectric device" is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In short, the claims are interpreted as broad as possible and they still do not clearly and distinctly claim the subject matter of the invention. Therefore, the rejection is still deemed proper.

### ***Allowable Subject Matter***

7. Claims 16-24 are allowed.

8. Claims 2-5,7,8 are objected to as being dependent upon a rejected base claim, but would be allowable if claim 1 is rewritten or amended to overcome the rejection under 35 U.S.C. 102 (b) set forth in this Office action.

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9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show discloses an air cooled dynamoelectric device comprising: a stator secured inside the casing shell with the casing shell interior surface surrounding the stator, a plate secured to the casing shell, the plate having an interior surface that faces toward the stator and an opposite exterior surface, a center hole passing through the plate with an inner edge of the plate extending around the center hole and an annular lip that extends around the center hole and projects outwardly from the interior surface toward the stator.

**Conclusion**

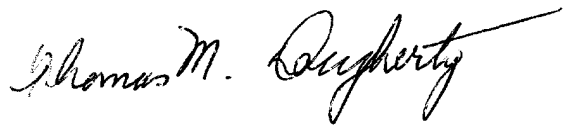
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (703) 305-3466. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

August 6, 2003

  
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